

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DENICE MORGAN	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
PETE GEREN, Acting Secretary of the Air Force, <sup>1</sup>	)	Civil Action No.: 05-0967 (RMC)
	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT’S CONSENT MOTION FOR ENLARGEMENT OF TIME**

Defendant Pete Geren (formerly Michael L. Dominguez), Acting Secretary of the Air Force, by and through undersigned counsel, respectfully moves this Court pursuant to Rule 6(b)(1), Fed. R. Civ. P., to enlarge the time to respond to the complaint brought under the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 700-706. Defendant requests that the deadline for responding be extended 5 days, specifically from September 15 to September 20, 2005. This is Defendant’s second request for an enlargement of time in this case, and no scheduling order has been entered. Plaintiff, through counsel, graciously consented to this motion.

This enlargement of time is sought because additional time is needed for counsel for Defendant to complete the preparation of Defendant’s response to Plaintiff’s complaint. Counsel for Defendant has been working diligently to prepare a dispositive motion based upon a rather large administrative record. Although counsel for Defendant had hoped to have completed this

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<sup>1</sup> Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Pete Geren, Acting Secretary of the Air Force should be automatically substituted as the defendant in this action in place of his predecessor in office, Michael Dominguez.

by the current deadline, events in other cases, including an emergency matter in Prasad v. Chertoff, et al., 04-1841 (EGS), consumed more time than expected. Counsel for Defendant anticipates that an additional 5 days will be sufficient to finalize Defendant's response.

This extension is sought in good faith and will not unfairly prejudice any party. Allowing Defendant some additional time to formulate its response will aid both the parties and the Court in the development and resolution of this case.

WHEREFORE, based on the foregoing, Defendant respectfully request that the time for answering or otherwise responding to Plaintiff's Complaint be extended to and including September 20, 2005.

Dated: September 15, 2005.

Respectfully submitted,

/s/

KENNETH L. WAINSTEIN, D.C. BAR # 451058  
United States Attorney

/s/

R. CRAIG LAWRENCE, D.C. BAR # 171538  
Assistant United States Attorney

/s/

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Washington, D.C. 20530  
(202) 514-7220

**CERTIFICATE OF SERVICE**

I certify that the foregoing **Motion For Enlargement of Time** was served upon plaintiff pursuant to the Court's electronic filing system, addressed to:

**Harvey J. Volzer  
216 South Patrick Street  
Alexandria, VA 22314**

on this 15th day of September, 2005.

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